

Message Text

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TAGS: ILO

SUBJECT: ILO IMPLEMENTATION OF REDUCED GENEVA GENERAL
SERVICE SALARY SCALE

REF: GENEVA 03079

1. THE GOVERNING BODY DECIDED MARCH 2 TO DELAY A
DECISION ON IMPLEMENTATION OF THE NEW REDUCED GENERAL
SERVICE SALARY SCALE UNTIL THE NEXT SESSION OF THE GB
SCHEDULED TO CONVENE ON MAY 29. THE DECISION IS TO BE
DELAYED PENDING AN ADVISORY OPINION OF THE UN ADMINIS-
TRATIVE TRIBUNAL WHICH IS TO BE REQUESTED BY THE
DIRECTOR GENERAL ON BEHALF OF THE ILO SECRETARIAT AND
THE STAFF UNION. THE QUESTION TO BE DECIDED IS WHETHER
IMPLEMENTATION OF THE NEW GS SCALE WOULD INVOLVE A
BREACH OF CONTRACT.

2. THE GB DECISION WAS MADE DURING CONSIDERATION OF
THE REPORT OF THE PROGRAM, FINANCIAL AND ADMINISTRATIVE
COMMITTEE WHICH RECOMMENDED THAT THE NEW
SCALE AND TRANSITIONAL ARRANGEMENTS BE IMPLEMENTED
APRIL 1. DISCUSSION OF THE RECOMMENDATION WAS PRECEDED
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BY A STATEMENT OF A REPRESENTATIVE OF THE STAFF UNION
WHO ALLEGED THAT IMPLEMENTATION OF THE RECOMMENDATION
WOULD AMOUNT TO A FLAGRANT BREACH OF CONTRACT (THE 1976
GS SALARY AGREEMENT MADE BY ILO AND OTHER GENEVA AGENCIES)
TO WHICH THE ILO, AS THE PREMIER INTERNATIONAL LABOR
ORGANIZATION, SHOULD NOT BE A PARTY. HE ASKED THE GB
TO DELAY A DECISION TO ALLOW THE DIRECTOR GENERAL TO

CONFER WITH THE STAFF.

3. THE UK, SPEAKING ALSO FOR OTHER IMEC COUNTRIES, URGED THE GB TO ENDORSE THE COMMITTEE RECOMMENDATION, THERE BEING NO OPTION BUT TO ACCEPT THE RECOMMENDATION OF THE UNGA. THE WORKER'S GROUP, AS IN COMMITTEE, WAS STRONGLY OPPOSED TO IMPLEMENTING THE NEW SCALE. THE EMPLOYERS' GROUP EMPHASIZED THAT THE ALLEGATION OF A BREACH OF CONTRACT WAS A SERIOUS MATTER, BUT EXPRESSED DOUBT THAT THE 1976 AGREEMENT WAS BREACHED SINCE IT WAS SUBJECT TO ANOTHER SURVEY AND PROVIDED FOR NO DURATION.

4. AT THIS POINT, THE DG INTERVENED WITH A SUGGESTION. HE SAID HE COULD GIVE NO LEGAL REPLY TO THE QUESTION OF BREACH OF CONTRACT, BUT THE UN ADMINISTRATIVE TRIBUNAL CAN. HE SUGGESTED THAT THE GB DECISION BE DELAYED, PENDING A REQUEST BY THE ILO AND THE UNION AS TO WHETHER IMPLEMENTATION OF THE NEW GS SCALE WOULD CONSTITUTE A BREACH OF CONTRACT.

5. AFTER A SHORT RECESS, THE FRENCH REPRESENTATIVE, SPEAKING ALSO FOR THE UK AND ITALY, SUPPORTED THE DG'S RECOMMENDATION. NORWAY, AUSTRALIA, MEXICO, AND THE WORKERS' AND EMPLOYERS' GROUPS SUPPORTED THE PROPOSAL. ONLY CANADA AND JAPAN RESERVED.

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6. COMMENT: AS WE UNDERSTAND IT, THE ADMINISTRATIVE TRIBUNAL WILL BE ASKED FOR ITS OPINION WITH RESPECT TO BREACH OF BOTH COLLECTIVE CONTRACT AND INDIVIDUAL CONTRACT. A REPRESENTATIVE OF THE ILO LEGAL OFFICE TOLD U.S. OBSERVER DEL BEFORE THE SESSION THAT THEY BELIEVE THERE HAS BEEN NO VIOLATION OF COLLECTIVE CONTRACT, BUT THAT THE QUESTION OF VIOLATION OF INDIVIDUAL CONTRACT IS AN OPEN ISSUE ON WHICH A DECISION COULD GO EITHER WAY. SORENSON

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